

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: REFCO INC. SECURITIES LITIGATION

Case No. 07 MDL 1902 (JSR)

THOMAS H. LEE EQUITY FUND V, L.P.,  
THOMAS H. LEE PARALLEL FUND V, L.P.,  
and THOMAS H. LEE EQUITY (CAYMAN)  
FUND V, L.P.,

Case No. 07 Civ. 8663 (JSR)

Plaintiffs/Counterclaim Defendants,

v.

**MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

GRANT THORNTON LLP,

Defendant/Counterclaim Plaintiff.

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Kevin B. Huff, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

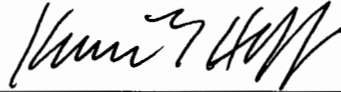
Applicant's Name: Michael N. Nemelka  
Firm Name: Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.  
Address: 1615 M Street, N.W., Suite 400  
Washington, D.C. 20036  
Phone Number: 202-326-7932  
Fax Number: 202-326-7999

FILED  
U.S. DISTRICT COURT  
2011 MAY 26 AM 11:13  
S.D. OF N.Y.

Michael N. Nemelka is a member in good standing of the Bar of the State of Virginia and the District of Columbia. There are no pending disciplinary proceedings against Michael N. Nemelka in any State or Federal Court.

Dated: May 25, 2011

Respectfully submitted,



---

Kevin B. Huff

SDNY Bar Code: KH-9284

KELLOGG, HUBER, HANSEN, TODD,

EVANS & FIGEL, P.L.L.C.

1615 M Street, N.W., Suite 400

Washington, D.C. 20036

202-326-7900

202-326-7999

*Counsel for Plaintiffs Thomas H. Lee Equity  
Fund V, L.P., Thomas H. Lee Parallel Fund  
V, L.P., and Thomas H. Lee Equity  
(Cayman) Fund V, L.P.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

IN RE: REFCO INC. SECURITIES LITIGATION

---

:  
:  
: Case No. 07 MDL 1902 (JSR)  
:  
:

THOMAS H. LEE EQUITY FUND V, L.P.,  
THOMAS H. LEE PARALLEL FUND V, L.P.,  
and THOMAS H. LEE EQUITY (CAYMAN)  
FUND V, L.P.,

:  
:  
: Case No. 07 Civ. 8663 (JSR)  
:  
:  
:

Plaintiffs/Counterclaim Defendants,

v.

GRANT THORNTON LLP,

Defendant/Counterclaim Plaintiff.

---

:  
:  
: **AFFIDAVIT OF**  
: **KEVIN B. HUFF IN SUPPORT**  
: **OF MOTION TO ADMIT**  
: **COUNSEL *PRO HAC VICE***  
:  
:

District of Columbia ) ss:

Kevin B. Huff, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., counsel for Plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Michael N. Nemelka as counsel *pro hac vice* to represent Plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on August 1, 1997. I am also a member in good standing of the bar of the District of Columbia. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court. I am also a member of the bars of the United States Supreme Court, the United States Court of Appeals for the Fourth

Circuit, and the United States District Court for Colorado, and am in good standing with these courts.

3. I have known Mr. Nemelka since at least November 2007.

4. Mr. Nemelka is an associate at Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., in Washington, D.C.

5. I have found Mr. Nemelka to be a skilled attorney and a person of integrity. She is familiar with the Federal Rules of Procedure.

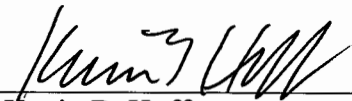
6. Accordingly, I am pleased to move the admission of Michael N. Nemelka, *pro hac vice*.

7. I respectfully submit a proposed order granting the motion to admit Michael N. Nemelka, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Michael N. Nemelka, *pro hac vice*, to represent Plaintiffs in the above captioned matter, be granted.

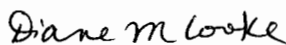
Dated: May 25<sup>th</sup>, 2011  
District of Columbia

Respectfully submitted,

  
Kevin B. Huff  
SDNY Bar Code: KH-9284

District of Columbia: SS  
Subscribed and Sworn to before me

this 25<sup>th</sup> day of May, 2011.

  
Notary Public, D.C.

Diane M. Cooke  
Notary Public, District of Columbia<sup>2</sup>  
My Commission Expires 10/31/2011

IN RE: REFCO INC. SECURITIES LITIGATION

THOMAS H. LEE EQUITY FUND V, L.P.,  
THOMAS H. LEE PARALLEL FUND V, L.P.,  
and THOMAS H. LEE EQUITY (CAYMAN)  
FUND V, L.P.,

**Plaintiffs/Counterclaim Defendants,**

V.

GRANT THORNTON LLP,

**Defendant/Counterclaim Plaintiff.**

# ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION

**IT IS HEREBY ORDERED** that

Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.

1615 M Street, N.W., Suite 400

Washington, D.C. 20036

Tel.: 202-326-7932 / Fax: 202-326-7999

**mnemelka@khhte.com**

is admitted to practice *pro hac vice* as counsel for Plaintiffs Thomas H. Lee Equity Fund V, L.P., Thomas H. Lee Parallel Fund V, L.P., and Thomas H. Lee Equity (Cayman) Fund V, L.P. in the above captioned case in the United States District Court for the Southern District of New York.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:

City, State:

---

Special Master Hon. Ronald Hedges

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

IN RE: REFCO INC. SECURITIES LITIGATION

---

:  
:  
: Case No. 07 MDL 1902 (JSR)  
:  
:

THOMAS H. LEE EQUITY FUND V, L.P.,  
THOMAS H. LEE PARALLEL FUND V, L.P.,  
and THOMAS H. LEE EQUITY (CAYMAN)  
FUND V, L.P.,

:  
:  
: Case No. 07 Civ. 8663 (JSR)  
:  
:  
:

Plaintiffs/Counterclaim Defendants,

v.

:  
: **CERTIFICATE OF SERVICE**  
:  
:  
:

GRANT THORNTON LLP,

Defendant/Counterclaim Plaintiff.

---

I hereby state the following:

1. I am an attorney with the law firm Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., 1615 M Street, N.W., Suite 400, Washington, D.C. 20036, counsel of record for Plaintiffs.

2. On May 25, 2011, I caused the Motion to Admit Counsel *Pro Hac Vice* for Michael N. Nemelka, the Affidavit of Kevin B. Huff in Support of the Motion to Admit Counsel *Pro Hac Vice*, and the Proposed Order to be served via overnight delivery upon Defendants' counsel, Winston & Strawn LLP, 200 Park Avenue, New York, New York 10166, attention to Beth A. Tagliamonti, Esq.

3. On May 25, 2011, I caused a courtesy copy of the same to be sent via e-mail to Defendants' counsel via the electronic service list at [servicethlgt@khhte.com](mailto:servicethlgt@khhte.com).

4. I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 25<sup>th</sup>, 2011  
Washington, DC

By:   
Kevin B. Huff

KELLOGG, HUBER, HANSEN, TODD,  
EVANS & FIGEL, P.L.L.C.  
1615 M Street, N.W.  
Suite 400  
Washington, DC 20009  
(202) 326-7900





District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202/879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

MICHAEL NEMELKA

was on the 6<sup>TH</sup> day of OCTOBER, 2008  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on April  
27, 2011.

JULIO A. CASTILLO  
Clerk of the Court

By:   
Deputy Clerk



## VIRGINIA STATE BAR

### *CERTIFICATE OF GOOD STANDING*

*THIS IS TO CERTIFY THAT MICHAEL NEPHI NEMELKA IS AN ACTIVE MEMBER OF THE VIRGINIA STATE BAR  
IN GOOD STANDING. MR. NEMELKA WAS LICENSED TO PRACTICE LAW IN VIRGINIA ON **OCTOBER 12, 2006**,  
AFTER SUCCESSFULLY PASSING THE BAR EXAMINATION GIVEN BY THE VIRGINIA BOARD OF BAR EXAMINERS.*

*Issued May 19, 2011*

KAREN A. GOULD  
EXECUTIVE DIRECTOR AND  
CHIEF OPERATING OFFICER